

No. 1195 of 1872.

To

THE SECRETARY TO GOVERNMENT,

Revenue Department.

Camp Gogo, 29th February 1872.

SIR,

I have the honour to forward a statement of classification of certain lands in the town of Broach paying rent to Government, and commonly called kiraya lands, which has been made by the Survey Superintendent with the concurrence of the Collector, Mr. White, in compliance with the instructions in Government Resolution No. 4599, of 26th October 1869. I have no objection to offer to the rates of half an anna, one anna, and one and-a-half anna, which have been placed on the different plots on a consideration of their advantages of situation. Mr. White was at first disposed to consider the rate of half an anna too high for the badly situated plots, and one anna and-a-half too low for the best sites, and proposed two more classes, one of three pies, and one of two annas, but his objections have been removed after a personal inspection of the ground in company with the Superintendent of Survey.

2. It will be remembered that Mr. Hope, on an investigation of the tenures of the occupants of the kiraya lands, divided them into eight classes. But for all practical purposes it will be sufficient to consider them as falling within one of three classes:—

First.—Those in which the occupants derive their title from clearly expressed deeds. These will be continued in accordance with the terms of the deeds, and their rental will be enhanced in those cases where the terms admit of such enhancement.

Second.—Those in which the occupants hold by indefinite and vaguely expressed deeds, such, for instance, as where the occupant has bought at an auction sale and conditioned to pay a certain sum, generally a trifle, so long as he shall hold the land. Here, as no term is expressed, a reasonable time will be allowed, and before the rental can be enhanced, a notice, say of three months, will have to be given.

Third.—Those in which the occupant holds not under deeds but by prescription and pays a customary rent. In these cases there will be difficulty in levying the enhanced rent.

3. To occupants of all those classes Government have offered the right of redemption of rent in perpetuity at a minimum of one rupee per square yard. I am not aware to what extent this offer has been accepted, but this is a point which will be attended to by the Collector, and those who accept the terms will be exempted from rent. Mr. White has very properly remarked that the minimum rate of purchase of redemption of one rupee per square yard would be excessive in the case of badly situated lands. In his letter to the Sub-Collector of Broach, No. 1100, of the 22nd May 1869, Mr. Hope wrote:—"If the sales were effected on an average at the established minimum of one rupee per square yard, the capital would almost represent a one anna rate, *i.e.*, the rate would represent a capital yielding $6\frac{1}{4}$ per cent. interest." I think there will be little objection to the rate of redemption being altered from a minimum of one rupee in all cases to a rate representing a capital that would yield the same interest varying with the class of land. For instance, lands in class I. to be sold at Rs. 1-8-0 the square yard, lands in class II. at Rs. 1, and lands in class III. at eight annas. I would propose this if it is thought advisable to stimulate the desire to redeem, but I admit I prefer retaining the right to enhance the rental to relinquishing the right to levy rent at all.

4. I would also here suggest that I may be empowered to levy a special rate when circumstances might make the levy of the full rates proposed objectionable, such as in the case of large compounds a garden attached to houses, where full class rates would be exceedingly burdensome, and swamp all the prospects derived from rent. A maximum of 10 per cent. of the annual rent usually obtained for such houses might be fixed as the imperial rent to be levied.

5. In one of his letters on the subject of these rents the Acting Collector remarks that he presumes the rates are exclusive of any lump sum or rental the municipality may fix on account of the right of occupancy, vesting in Government and understood, though not expressly declared, to be handed over to them. Mr. White probably assumes on the analogy of the Ahmedabad Settlement, in which, out of a rate of one anna, two pies are credited to Government and ten to the municipality, but it is evident in cases in which rent has been paid to the former for many years past, the right of occupancy already vests in the tenant and does not belong to Government to hand over. If the new rates are not agreed to, and possession of the land is given up, the right of occupancy may be sold again (subject to payment of the rent), and the proceeds go to the Municipal Committee. As a means of recouping them for their share of the cost

of survey, the full revised rent is the property of the State, and the Municipal Committee cannot impose anything more in cases in which the occupancy remains with the original tenant or his representatives. The division of the one anna rate in Ahmedabad is only in lands brought under a Summary Settlement which were held on imperfect titles, and had not hitherto paid rent.

I have, &c.,
(Signed) A. ROGERS,
Revenue Commissioner, N.D.

(True copy)
W. R. HAMILTON,
Assistant Revenue Commissioner, N.D.

Lands.

No. 1148.

REVENUE DEPARTMENT.

Bombay Castle, 11th March 1872.

Letter from the Revenue Commissioner, N.D., No. 1195, dated 29th February 1872.—Submitting a statement of classification of certain lands in the town of Broach paying rent to Government and commonly called kiraya lands, which has been made by the Survey Superintendent with the concurrence of the Collector, Mr. White, in compliance with the instructions in Government Resolution No. 4599, dated 26th October 1869, with a remark that he has no objection to offer to the rates of half an anna, one anna, and one and-a-half anna, which have been placed on the different plots, on a consideration of their advantages of situation; suggesting that he may be empowered to levy a special rate where circumstances might make the levy of the full rate objectionable; and offering certain remarks in reference to Mr. White's observations made in one of his letters on the subject, that the rates are exclusive of any lump sum or rental the municipality may fix on account of the right of occupancy of these lands vesting in Government and understood, though not expressly declared, to be handed over to the municipality.

RESOLUTION.—The rates submitted are approved and sanctioned; and where circumstances might make the levy of the full rate objectionable, Government, as suggested by Mr. Rogers, authorize the Revenue Commissioner to levy a special rate. Government quite concur with the Revenue Commissioner where he says "the Municipal Committee cannot impose anything more in cases